

Kevin A. Lake (VSB No. 34286)  
MCDONALD, SUTTON & DUVAL, PLC  
5516 Falmouth Street, Suite 108  
Richmond, Virginia 23230  
(804) 643-0000  
[klake@mcdonaldsutton.com](mailto:klake@mcdonaldsutton.com)

*Counsel for Lone Wolfe Natural Resources, Inc.*

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>In re:</b>	<b>Chapter 11</b>
<b>Alpha Natural Resources, Inc., et al.,</b>	<b>Case No. 15-33896 (KRH)</b>
<b>Debtor</b>	<b>Jointly Administered</b>

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**\*\*\*NOTICE OF MOTION AND HEARING THEREON\*\*\***

Lone Wolfe Natural Resources, Inc., which is a creditor and otherwise a party in interest in the above-captioned case ("Lone Wolfe"), by counsel, has filed papers with the court seeking an order reopening the above-captioned bankruptcy case to file a complaint seeking various relief, including a determination of the dischargeability of a debt (see the attached Motion for further details).

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the motion, or if you want the court to consider your views on the motion, then on or before January 9, 2019, you or your attorney must:

File with the court, at the address shown below, a written request for hearing and a written response pursuant to Local Bankruptcy Rule 9013-1(H). If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

William Redden, Clerk  
United States Bankruptcy Court  
Eastern District of Virginia  
701 E. Broad Street, Suite 4000  
Richmond, VA 23219

You must also mail a copy to:

Kevin A. Lake, Esquire  
MCDONALD, SUTTON, & DUVAL, PLC  
5516 Falmouth Street, Suite 108  
Richmond, Virginia 23230

You must also:

*Attend a hearing on the* aforesaid Motions **on January 16, 2019, at 12:30 p.m.** in the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division, Judge Huennekens' Courtroom, 701 East Broad Street, Room 5000, Richmond, Virginia 23219.

**If you or your attorney do not take these steps, the Debtor will submit to the Court for consideration an order or orders granting the relief sought in the Motion(s).**

*Under Local Bankruptcy Rule 9013-1 and 5010-1, unless a written response to this motion and supporting memorandum are filed with the Clerk of Court and served on the moving party as provided above, the Court may deem any opposition waived, treat the application as conceded, and issue an order granting the requested relief without further notice or hearing.*

**LONE WOLFE NATURAL RESOURCES, INC.**

By: /s/ Kevin A. Lake

Kevin A. Lake, Esquire (VSB# 34286)  
MCDONALD, SUTTON & DUVAL, PLC  
5516 Falmouth Street, Suite 108  
Richmond, VA 23230  
Tel: (804) 643-0000  
Fax: (804) 788-4427  
[klake@mcdonaldsutton.com](mailto:klake@mcdonaldsutton.com)

*Counsel for Lone Wolfe Natural Resources, Inc.*

**CERTIFICATE**

I hereby certify that on the 11<sup>th</sup> day of December 2018, a true and correct copy of the foregoing Motion and Notice of Motion was served electronically or by first class mail, postage prepaid, in accordance with the Court's Order Establishing Certain Notice, Case Management and Administrative Procedures entered on August 5, 2015 (Doc. 111) and the Service List maintained by Kurtzman Carson Consultants in this case, to the following:

*And all parties receiving notices via ECF/CMF*

*And all parties appearing on the attached Service List.*

/s/ Kevin A. Lake  
Kevin A. Lake

Kevin A. Lake (VSB No. 34286)  
MCDONALD, SUTTON & DUVAL, PLC  
5516 Falmouth Street, Suite 108  
Richmond, Virginia 23230  
(804) 643-0000  
[klake@mcdonaldsutton.com](mailto:klake@mcdonaldsutton.com)

*Counsel for Lone Wolfe Natural Resources, Inc.*

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

<b>In re:</b>	<b>Chapter 11</b>
<b>Alpha Natural Resources, Inc., et al.,</b>	<b>Case No. 15-33896 (KRH)</b>
<b>Debtor</b>	<b>Jointly Administered</b>

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**MOTION TO REOPEN CASE**

COMES NOW, your movant, Lone Wolfe Natural Resources, Inc. (“Lone Wolfe”), an unsecured claimant of Arley Johnson, an employee of Brooks Run Mining Company, LLC, one of the above-captioned reorganized debtors in the above-captioned jointly administered case (“Brooks Run”), by counsel and pursuant to 11 U.S.C. § 350(b), Fed. R. Bankr. P. 5010, Local Rule 5010-1, and the Court’s Order Approving Motion for Entry of a Final Decree and Order and related relief (Doc. 4119) (the “Final Decree”), on Lone Wolfe’s Motion to Reopen Bankruptcy Case (the “Motion”). In support of the Motion, Lone Wolfe respectfully states as follows:

1. Lone Wolfe is an unsecured creditor, asserting a prepetition claim against Arley Johnson, an employee of Brooks Run (“Johnson”).
2. The above-captioned reorganized debtors, including Brooks Run, filed the above-captioned bankruptcy case under chapter 11 of the U.S. Bankruptcy Code, 11 U.S.C. §

101 et seq. (the “Code”), in the United States Bankruptcy Court for the Eastern District of Virginia, Richmond Division (the “Court”), on or about August 3, 2015 (the “Petition Date”).

3. On June 28, 2018 and pursuant to the Final Decree, the chapter 11 cases of the reorganized debtors, including Brooks Run, were closed.
4. The Final Decree provides that the “Order is without prejudice to any party’s right to re-open any Chapter 11 Case or Chapter 11 Cases.” (Final Decree, at paragraph 3).
5. Lone Wolfe requests that the chapter 11 case of Brooks Run, and any other of the jointly administered chapter 11 cases as the court may deem necessary or appropriate, be reopened so that Lone Wolfe may file the attached complaint (and any amendments thereto which the Court may permit) seeking, among other things, a determination that Lone Wolfe’s pursuit of certain of its claims (the “Claims”) against Johnson are not enjoined under the discharge injunction provided for under the Second Amended Joint Plan of Reorganization of Debtors and Debtors in Possession, as Modified (the “Confirmed Plan”).
6. The Claims are set forth in greater detail in the attached Complaint and its attachments, but, in summary, Lone Wolfe asserts that it is not enjoined from pursuing the Claims because they result from acts or omissions of Johnson which constitute gross negligence or willful misconduct.
7. Section 350 of the Code provides that “[a] case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause.” 11 U.S.C. 350(b).

**WHEREFORE**, the Lone Wolfe respectfully requests that the Court enter an order in substantially the form of the attached proposed order, providing for the reopening of this case to allow for the filing of the attached complaint (or a complaint in substantially the form of the attached complaint); and that the Court grant such other and further relief as it deems just and appropriate.

**LONE WOLFE NATURAL RESOURCES, INC.**

By: /s/ Kevin A. Lake

Kevin A. Lake, Esquire (VSB# 34286)  
MCDONALD, SUTTON & DUVAL, PLC  
5516 Falmouth Street, Suite 108  
Richmond, VA 23230  
Tel: (804) 643-0000  
Fax: (804) 788-4427  
[klake@mcdonaldsutton.com](mailto:klake@mcdonaldsutton.com)

*Counsel for Lone Wolfe Natural Resources, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> day of December 2018, a true and correct copy of the foregoing Motion and Notice of Motion was served electronically or by first class mail, postage prepaid, in accordance with the Court's Order Establishing Certain Notice, Case Management and Administrative Procedures entered on August 5, 2015 (Doc. 111) and the Service List maintained by Kurtzman Carson Consultants in this case, to the following:

*And all parties receiving notices via ECF/CMF*

*And all parties appearing on the attached Service List.*

*[\* Indicating on the attached Service List service by ECF or email. All others served by First Class U.S. Mail, postage prepaid.]*

/s/ Kevin Lake

Kevin A. Lake (VSB No. 34286)  
MCDONALD, SUTTON & DUVAL, PLC  
5516 Falmouth Street, Suite 108  
Richmond, Virginia 23230  
(804) 643-0000  
[klake@mcdonaldsutton.com](mailto:klake@mcdonaldsutton.com)

*Counsel for Lone Wolfe Natural Resources, Inc.*

**UNITED STATES BANKRUPTCY COURT  
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<b>In re:</b>	<b>Chapter 11</b>
<b>Alpha Natural Resources, Inc., et al.,</b>	<b>Case No. 15-33896 (KRH)</b>
<b>Debtor</b>	<b>Jointly Administered</b>

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**ORDER REOPENING CASE**

This matter came to be heard upon the Motion to Reopen Case (the “Motion”), filed with the Court by Lone Wolfe Natural Resources, Inc., an unsecured creditor of Arley Johnson, an employee of Brooks Run Mining Company, LLC, one of the above-captioned reorganized debtors (“Brooks Run”), by counsel.

It appearing that, after proper notice served on all necessary parties, no objection or response has been filed with this Court or, if any such response or objection was filed, same being overruled, and that good cause has otherwise been shown, it is hereby

ORDERED as follows:

- The Motion shall be, and hereby is, GRANTED;
- This case of Brooks Run Mining Company, LLC shall be and hereby is REOPENED for the purpose of Lone Wolfe’s filing a complaint, as set forth in the Motion; and

- The Clerk shall send a copy of this Order, once entered, to all parties appearing on the attached Mailing List.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Kevin A. Huennekens  
United States Bankruptcy Judge

NOTICE OF JUDGMENT OR ORDER  
Entered on Docket  
  
\_\_\_\_\_

I ask for this:

/s/ Kevin A. Lake  
Kevin A. Lake, Esquire (VSB# 34286)  
McDonald, Sutton & DuVal, PLC  
5516 Falmouth Street, Suite 108  
Richmond, Virginia 23230  
(804) 643-0000  
[klake@mcdonaldsutton.com](mailto:klake@mcdonaldsutton.com)

*Counsel for Lone Wolfe Natural Resources, Inc.*

#### **CERTIFICATE OF SERVICE**

I hereby certify, pursuant to Local Rule, that, on this 11<sup>th</sup> day of December 2018, I caused a true and exact copy of the foregoing proposed Order to be transmitted by electronic means or by first-class mail, postage prepaid, to all necessary parties as follows: See attached Service List.

/s/ Kevin A. Lake  
Kevin A. Lake, Esquire

#### **CERTIFICATION OF ENDORSEMENT**

I hereby certify, under Local Rule 9022-1 (C) (2), that the foregoing proposed Order has been endorsed by all necessary parties.

/s/ Kevin A. Lake  
Kevin A. Lake

**SERVICE LIST:**

**SERVICE LIST:**

Alpha Natural Resources, Inc.

Attn: Richard H. Verheij, Esq.\*  
Executive Vice President,  
General Counsel & Corporate Secretary  
One Alpha Place  
P.O. Box 16429  
Bristol, Virginia 24209  
Email: [rverheij@alphanr.com](mailto:rverheij@alphanr.com)  
*[Debtors]*

Alpha Natural Resources, Inc.  
One Alpha Place  
Bristol, Virginia 24202  
*[Debtor]*

David G. Heiman, Esq.\*  
Carl E. Black, Esq.\*  
Thomas A. Wilson, Esq.\*  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
[dgheiman@jonesday.com](mailto:dgheiman@jonesday.com);  
[ceblack@jonesday.com](mailto:ceblack@jonesday.com);  
[tawilson@jonesday.com](mailto:tawilson@jonesday.com)  
*[Counsel to the Debtors]*

Tyler P. Brown, Esq.\*  
Henry P. (Toby) Long, III, Esq.\*  
Hunton & Williams LLP  
Riverfront Plaza, East Tower  
951 East Byrd Street  
Richmond, Virginia 23219  
*[Local counsel to Debtors]*

Robert B. Van Arsdale, Esq.\*  
Shannon F. Pecoraro, Esq.\*  
Office of the United States Trustee,  
Eastern District of Virginia  
701 East Broad Street, Suite 4304  
Richmond, Virginia 23219  
*[Office of United States Trustee]*

Hugh M. Bernstein, Esq.\*  
Office of the United States Trustee,  
District of Maryland  
101 West Lombard Street, Suite 2625  
Baltimore, Maryland 21201  
Email: [Hugh.M.Bernstein@usdoj.gov](mailto:Hugh.M.Bernstein@usdoj.gov)  
*[Office of United States Trustee]*

Elisabetta G. Gasparini, Esq.\*  
Office of the United States Trustee  
1835 Assembly Street, Suite 953  
Columbia, South Carolina 29201  
Email: [elisabetta.g.gasparini@usdoj.gov](mailto:elisabetta.g.gasparini@usdoj.gov)  
*[Office of United States Trustee]*

Dennis F. Dunne, Esq.\*  
Evan R. Fleck, Esq.\*  
Eric K. Stodola, Esq.\*  
Milbank, Tweed, Hadley & McCoy LLP  
28 Liberty Street  
New York, NY 10005  
Email: [ddunne@milbank.com](mailto:ddunne@milbank.com);  
[efleck@milbank.com](mailto:efleck@milbank.com);  
[estodola@milbank.com](mailto:estodola@milbank.com)  
*[Counsel to Creditors' Committee]*

Andrew L. LeBlanc, Esq.\*  
Milbank, Tweed, Hadley & McCoy LLP  
1850 K Street, N.W., Suite 1100  
Washington, D.C. 20006  
Email: [aleblanc@milbank.com](mailto:aleblanc@milbank.com)  
*[Counsel to Creditors Committee]*

Lynn Lewis Tavenner, Esq.\*  
Paula S. Beran, Esq.\*  
David N. Tabakin, Esq.\*  
Tavenner & Beran, PLC  
20 North Eighth Street, Second Floor  
Richmond, VA 23219  
*[Counsel to Retiree Committee]*

Damian S. Schaible, Esq.\*  
Damon P. Meyer, Esq.\*  
Bradley A. Schecter, Esq.\*  
Davis Polk & Wardwell LLP  
450 Lexington Avenue  
New York, New York 10017  
Email: [damian.schaible@davispolk.com](mailto:damian.schaible@davispolk.com);  
[damon.meyer@davispolk.com](mailto:damon.meyer@davispolk.com);  
[bradley.schecter@davispolk.com](mailto:bradley.schecter@davispolk.com)  
*[Co-counsel to DIP Agent and First Lien Agent]*

Paul M. Basta, Esq.\*  
Stephen E. Hessler, Esq.\*  
Kirkland & Ellis LLP  
601 Lexington Avenue  
New York, New York 10022  
Email: [pbasta@kirkland.com](mailto:pbasta@kirkland.com);  
[stephen.hessler@kirkland.com](mailto:stephen.hessler@kirkland.com)  
*[Counsel to Ad Hoc Committee of Second Lien Noteholders]*

Debra A. Dandeneau, Esq.\*  
John J. Dedyo, Esq.\*  
Weil, Gotshal & Manges LLP  
767 Fifth Avenue  
New York, New York 10153  
Telephone: (212) 310-8000  
Facsimile: (212) 310-8007  
Email: [debra.dandeneau@weil.com](mailto:debra.dandeneau@weil.com)  
Email: [john.dedyo@weil.com](mailto:john.dedyo@weil.com)  
*[Counsel to General Electric Credit Corporation]*

William A. Gray, Esq.\*  
W. Ashley Burgess, Esq.\*  
Roy M. Terry, Jr., Esq.\*  
Sands Anderson P.C.  
P.O. Box 1998  
Richmond, VA 23218-1998  
*[Local counsel to Creditors Committee]*

John R. Owen, Esq.\*  
Jeremy D. Capps, Esq.\*  
Melissa Y. York, Esq.\*  
Harman, Claytor, Corrigan & Wellman  
P. O. Box 70280  
Richmond, VA 23235  
*[Counsel to Retiree Committee]*

Dion W. Hayes, Esq.\*  
Sarah B. Boehm, Esq.\*  
K. Elizabeth Sieg, Esq.\*  
McGuire Woods LLP  
Gateway Plaza  
800 East Canal Street  
Richmond, Virginia 23219  
*[Co-counsel to DIP Agent and First Lien Agent]*

Gregory F. Pesce, Esq.\*  
Kirkland & Ellis LLP  
300 North LaSalle  
Chicago, Illinois 60654  
Email: [gregory.pesce@kirkland.com](mailto:gregory.pesce@kirkland.com)  
*[Counsel to Ad Hoc Committee of Second Lien Noteholders]*

Michael A. Condyles, Esq.\*  
Peter J. Barrett, Esq.\*  
Jeremy S. Williams, Esq.\*  
KUTAK ROCK LLP  
1111 East Main Street, Suite 800  
Richmond, VA 23219-3500  
*[Local counsel to Ad Hoc Committee of Second Lien Noteholders]*

Jayne T. Goldstein, Esq.\*  
Kenneth Pasquale, Esq.\*  
Gabriel E. Sasson, Esq.\*  
Strook, Strook & Lavan LLP  
180 Maiden Lane  
New York, NY 10038-4982  
Email: [jgoldstein@strook.com](mailto:jgoldstein@strook.com);  
[kpasquale@strook.com](mailto:kpasquale@strook.com);  
[gsasson@strook.com](mailto:gsasson@strook.com)  
*[Counsel to Second Lien Notes Trustee]*

Troy Savenko, Esq.\*  
Kaplan Voekler Cunningham & Frank, PLC  
1401 East Cary Street  
Richmond, VA 23219  
*[Local counsel to UMW]*

Harold L. Kaplan, Esq.\*  
Mark F. Hebbeln, Esq.\*  
Foley & Lardner LLP  
321 North Clark Street  
Suite 2800  
Chicago, Illinois 60654-5313  
Telephone: (312) 832-4500  
Facsimile: (312) 832-4700  
Email: [hkaplan@foley.com](mailto:hkaplan@foley.com)  
Email: [mhebbeln@foley.com](mailto:mhebbeln@foley.com)  
*[Counsel to the Indenture Trustees for the Debtors' Secured and Unsecured Notes]*

McKinsey Recovery & Transformation Services U.S., LLC  
55 East 52nd Street  
New York, NY 10055  
Attn: Mr. Kevin Carmody  
*[Turnaround Advisor]*

Peter A. Ivanick, Esq.  
Hogan Lovells US LLP  
875 Third Avenue  
New York, NY 10022  
Email: [peter.ivanick@hoganlovells.com](mailto:peter.ivanick@hoganlovells.com)  
*[Counsel to McKinsey]*

Martin J. Bienenstock, Esq.\*  
Proskauer Rose LLP  
Eleven Times Square  
New York, New York 10036-8299  
Email: [mbienenstock@proskauer.com](mailto:mbienenstock@proskauer.com)  
*[Counsel to McKinsey]*

Sharon L. Levine, Esq.\*  
Paul Kizel, Esq.\*  
Philip J. Gross, Esq.\*  
Nicole M. Brown, Esq.\*  
LowensteinSandler LLP  
65 Livingston Avenue  
Roseland, NJ 07068  
Email: [slevine@lowenstein.com](mailto:slevine@lowenstein.com);  
[pkizel@lowenstein.com](mailto:pkizel@lowenstein.com);  
[pgross@lowenstein.com](mailto:pgross@lowenstein.com);  
[nbrown@lowenstein.com](mailto:nbrown@lowenstein.com)  
*[Counsel to UMW]*

Kurtzman Carson Consultants LLC  
Attn: Joe Morrow\*  
2335 Alaska Avenue  
El Segundo, California 90245  
Telephone: (310)-823-9000  
Facsimile: (310) 751-1862  
Email: [AlphaNRinfo@kccllc.com](mailto:AlphaNRinfo@kccllc.com)  
*[Claims and Noticing Agent]*

Grant Crandall, Esq.\*  
United Mine Workers of America  
18354 Quantico Gateway Drive, Suite 200  
Triangle, Virginia 22172  
*[United Mine Workers of America]*

Edward C. Dolan, Esq.  
Hogan Lovells US LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, D.C. 20004  
Email: [edward.dolan@hoganlovells.com](mailto:edward.dolan@hoganlovells.com)  
*[Counsel to McKinsey]*

Bruce H. Matson, Esq.\*  
Christopher L. Perkins, Esq.\*  
LeClair Ryan  
919 East Main Street  
Richmond, VA 23219  
*[Counsel to McKinsey]*